Human Rigths and Principles of Preventing Environmental Damage

(Analysis of Supreme Court Decision No. 4032 K/Pid.Sus-LH/2019)

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ABSTRAK

Tujuan penelitian ini adalah untuk mengetahui bagaimana pertimbangan hukum hakim pertimbangan hukum hakim Mahkamah Agung dalam memutus Putusan No. 4032 K/Pid.Sus-LH/2019. Penelitian ini menerapkan metode penelitian yuridis normatif yang menjadikan putusan pengadilan sebagai bahan hukum primer dan menduduki posisi sesudah peraturan perundang-undangan. Data atau bahan hukum primer yang dianalisis dalam penelitian ini adalah putusan pengadilan, yaitu Putusan No. 4032 K/Pid.Sus-LH/2019. Berdasarkan penelitian ini dapat disimpulkan bahwa putusan ini telah sesuai menurut undang-undang yang berlaku. Putusan tersebut juga telah memenuhi prinsip dasar hukum yaitu melindungi hak asasi manusia maupun mahkluk hidup lainnya, serta hak asasi alam. Keputusan pengadilan ini diharapkan dapat menimbulkan efek jera bagi perusahaan-perusahaan penghasil limbah yang membahayakan kerusakan lingkungan maupun berbahaya bagi manusia atau masyarakat sekitarnya. Keputusan pengadilan ini dapat menjadi pencegah terulangnya pelanggaran yang sama di masa depan.

Kata Kunci : Keputusan Mahmamah Agung, Hukum Lingkungan, Hak Azasi Manusia, Prinsip Pencegahan.

ABSTRACT

This research aimed to find out how the legal considerations of the Supreme Court judges in making decisions in deciding Decision No. 4032 K/Pid.Sus-LH/2019. This study applied a normative juridical research method that makes court decisions as primary legal material and occupies a position after legislation. The primary legal data or materials analyzed in this study were court decisions, namely Decision No. 4032 K/Pid.Sus-LH/2019. Based on this research, this decision is in accordance with the applicable law. The decision has also fulfilled the basic principles of law, namely protecting human rights and other living creatures, as well as natural rights. The court's decision is expected to have a deterrent effect for companies that produce waste that endangers environmental or is harmful to humans or the surrounding community. This court decision can be a deterrent to the recurrence of the same violation in the future.

Keywords: Supreme Court Decision, Environmental Law, Human Rights, Prevention Principle

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A. Background of the Problem

On the date December 30, 2019, the Supreme Court has decided the decision on Cassation No. 4032 K/Pid.Sus-LH/2019 by imposing a criminal sentence on Karman the son of Liong Tat as the Director of PT Mahkota Citra Lestari. PT Mahkota Citra Lestari violated the law by ignoring the obligation to have an Environmental Impact Analysis (AMDAL) and/or Environmental Management Efforts and Environmental Monitoring Efforts (UKL-UPL) without having an environmental permit in running its business. PT Mahkota Citra Lestari disposed red liquid waste from fabric softening chemicals that not only pollutes the environment, but has also seeped into Local Government-Owned Water Utilities (PDAM) installation pipes that are consumed by the public.

According to the Supreme Court Decision, the Director of PT Mahkota Citra Lestari has fulfilled all the elements of a criminal act Article 109 in conjunction with Article 36 Paragraph (1) of Law Number 32 of 2009. Is the decision correct, does the decision meet human rights principles, and can it prevent PT Mahkota Citra Lestari not to violate the rule anymore in the future based on the principle of prevention? These are the bases for this paper for reviewing Supreme Court Decision No. 4032 K/Pid.Sus-LH/2019.

B. Focus Problems

Based on the background of the problem, the research problems are as follows: What are the legal considerations of the judges of the Supreme Court in deciding Decision No. 4032 K/Pid.Sus-LH/2019?

C. Research Methods

This research method applied normative juridical research. Zainuddin Ali stated that the court's decision is the primary legal material and occupies a position after the legislation.[1] Primary legal data or materials analyzed in this study were court decisions, namely Supreme Court Decision No. 4032 K/Pid.Sus-LH/2019 dated December 30, 2019. Secondary data consisted of books and scientific journals as literature review material.

D. Literature review

[1] Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Graphic Publisher, 2013), p. 51.

1. Basic Principles in Law

To revise the Environmental Management Law No. 23 of 1997, the Ministry of Environment of the Republic of Indonesia aimed to receive input from European scholars, which in 2001 resulted in a project proposal being submitted to the Dutch Ministry of the Environment (VROM). It was then decided that Dutch scholars from the Maastricht European Institute for Transnational Legal Research (METRO) provided assistance in the process of revising the 1997 Environmental Management Law. Within the framework of this project, a number of delegates from Indonesia (mostly law scholars and staff employees of the Ministry involved in the revision of Indonesia's Environmental Management Law) visited METRO in January 2004. The meeting arranged a workshop to be held in Indonesia (Bogor) in August 2004 where Indonesian and European academics presented specific proposals for reform of Indonesia's Environmental Management Law no. 23 of 1997. More than 15 papers were presented by various academics.[2]

Aalt Willem Heringa from Maastricht University, the Netherlands proposed a number of basic lessons from the basic principles of the European experience regarding the revision of Indonesia's Environmental Management Act. Heringa provided several views as follows:[3]

First, it should be noted that environmental issues, affecting a person's personal life (physical integrity), health or housing, or relating to autonomy or self-development, should be interpreted and evaluated in accordance with Article 8 of the European Convention of Human Rights. Therefore, the revision of the Indonesian Environmental Management Law No. 23 of 1997 is expected to place Human Rights as one of its main foundations.

Second, such environmental issues may also place a country under a positive obligation to provide protection or to take other appropriate actions. It also means that a state cannot shirk its responsibilities by arguing that the violation of one's private life is actually a consequence of the activities of private persons. What is relevant then is to find out whether

[2] Michael Faure and Nicole Niessen, "*Introduction," in Environmental Law in Development: Lessons from the Indonesian Experience*, ed. Michael Faure and Nicole Niessen (Northampton, MA: Edward Elgar Publishing Limited, 2006), 1–8.

[3] Aalt Willem Heringa, "Human Rights and General Principles and Their Importance as a Legislative Technique. Do They Matter in Legislation? An Analysis with Specific Reference to Environmental Protection," in *Environmental Law in Development: Lessons from the Indonesian Experience*, ed. Michael Faure and Nicole Niessen (Northampton, MA: Edward Elgar Publishing Limited, 2006), 9–23.

the state can be expected to provide appropriate protection and has provided adequate protection.

Third, the absence of state activities aimed at protecting citizens becomes more relevant when the absence is also caused or related to non-compliance with domestic laws. In these cases the courts tend to adopt strict scrutiny tests.

Fourth, whatever control is applied, the state is under positive obligation. The state should address the relevant issues and consider them seriously. This means that at least a country must show that the interests of certain individuals have been the subject of study and attention and have been balanced with public interests that may be at stake. Furthermore, the state must demonstrate that it has authorized appropriate procedural steps: involvement of the company and the individual concerned, appeals procedures, compensation procedures, etc.

Fifth, a country should be open and informative with respect to relevant data and in providing it to the citizens involved, so as to enable them to make reasonable choices with regard to their personal lives. Guerra's criteria were also seen in the Hatton case, where the court also took into account that those who live in the vicinity of the airport and feel severely aggrieved by the noise and disturbance of their sleep, can seek compensation and sell their home and move out.

2. Polluter-Pays Principle, Prevention Principle, and Precautionary Principle

Andri G. Wibisana from Maastricht University, the Netherlands conveyed the need for three principles of environmental law, namely the polluter-pays principle, the principle of prevention, and the precautionary principle.[4] Wibisana explained that these three principles are very important for environmental law and environmental policy in general. If properly interpreted, these principles can help in providing guidance on how policy instruments should achieve optimal internalization of externalities caused by environmental degradation. Thus, these principles certainly have an important role in the development of environmental laws and policies for every developing country, both Indonesia and other countries.[5]

[4] Andri G. Wibisana, "Three Principles of Environmental Law: The Polluter-Pays Principle, the Principle of Prevention, and the Precautionary Principle," in *Environmental Law in Development: Lessons from the Indonesian Experience*, ed. Michael Faure and Nicole Niessen (Northampton, MA: Edward Elgar Publishing Limited, 2006), 24–76.

[5] Wibisana, Ibid, p. 57.

The polluter-pays principle, which is aimed primarily at internalizing the so-called environmental costs, argued that those causing environmental pollution should bear whatever social costs result from their activities so that the price of their products will reflect the true marginal social costs, i.e. marginal personal costs plus marginal environmental costs. The important message of this principle is that one does not need to meet zero pollution because this principle assumes that any activity can generate not only costs, but also benefits to society.[6] According to Wibisana, the polluter-paying principle can be applied through various instruments from environmental taxes to liability systems. Unfortunately–at least this is the case in Indonesia–this principle is misunderstood only as part of the system of accountability, namely the rule of negligence. Then he suggested that the principle should serve as an overarching principle, which is the goal for environmental policy and law, namely the internalization of externalities.[7]

Some activities that pose certain risks that encourage decision makers to take action before the risk materializes because prevention is better than cure, is called the prevention principle. In some conventions, the precautionary principle is usually accompanied by an obligation to carry out environmental impact assessments, monitoring, and consultations. This precautionary principle is closely related to the polluter-pays principle and the precautionary principle. If applied effectively, the polluter-pays principle can provide a deterrent effect, thereby ultimately preventing the recurrence of similar damage in the future. Thus, the deterrent effect resulting from the precautionary principle can also have preventive implications. However, in contrast to the polluter-pays principle, prevention applies when damage has not yet occurred, but there are good reasons to suspect that damage will occur if prevention is not taken.[8] The principle of prevention is to overcome the uncertainty of risk. However, sometimes the probability and magnitude of an event cannot be predicted with certainty. However, if the event is expected to be a disaster, decision makers still have an obligation to take action to prevent the catastrophic event, regardless of whether they have complete scientific evidence. In this case, it refers to the precautionary principle.[9]

[6] Wibisana, Ibid, p. 57.
[7] Wibisana, Ibid, p. 57.
[8] Wibisana, Ibid, p. 57.
[9] Wibisana, Ibid, p. 72.

Unfortunately, according to Wibisana, the importance of the precautionary principle seems to be eroded by the difficulty of determining the level of caution one should take under uncertainty. In this case, the principle seems impractical and can lead to unnecessary action. Therefore, if one wants to apply these principles effectively, an economic evaluation needs to be carried out. It is the idea of combining principles with cost-effective analysis (or cost-benefit analysis) as formulated for example in Principle 15 of the Rio Declaration.[10]

Policy measures to address environmental degradation have undergone several stages of modification over time. The first phase focuses on corrective action, which is manifested in the form of government intervention to repair damage after an accident occurs. In the second stage, policy measures should include a preventive approach, in the sense of allowing the authorities to intervene before damage occurs. This stage arises because the threat of environmental damage is perceived to be real, hence timely precautions must be taken to avoid damaging consequences.

E. Discussion

1. Position Case

The Public Prosecutor at the Surakarta District Attorney filed charges against the Defendant on behalf of Karman bin Liong Tat as Director of PT Mahkota Citra Lestari as follows:

(1) The actions of the Defendant as regulated and subject to criminal penalties in Article 98 Paragraph (1) of Law Number 32 of 2009 concerning Environmental Protection and Management;

(2) The actions of the Defendant as regulated and subject to criminal penalties in Article 99 Paragraph (1) of Law Number 32 Year 2009 concerning Environmental Protection and Management;

(3) The actions of the Defendant as regulated and subject to criminal penalties in Article 109 in conjunction with Article 36 Paragraph (1) of Law Number 32 of 2009 concerning Environmental Protection and Management;

The Public Prosecutor's Criminal Charges at the Surakarta District Attorney on July 18, 2019 are as follows.

[10] Wibisana, Ibid, p.72.

(1) Declared that the Defendant KARMAN the son of LIONG TAT had been legally and convincingly proven guilty of committing a criminal act "Conducting a business and/or activity without having an environmental permit as referred to in Article 36 Paragraph (1) of Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management "as in the third alternative indictment, Article 109 in conjunction with Article 36 Paragraph (1) of the Republic of Indonesia Law Number 32 of 2009 concerning Environmental Protection and Management.

(2) Sentenced the Defendant KARMAN the son of LIONG TAT with imprisonment for one year and six months reduced as long as the Defendant was in City detention with an order that the Defendant was immediately detained in the detention center and paid a fine of IDR1,000,000,000.00 (one billion Indonesian rupiah) and subsidiary of two months confinement.

(3) Determined evidence (63 evidences).

(4) Declared that the Defendant was proven guilty and was burdened with paying court fees of IDR2,000.00 (two thousand Indonesian rupiah);

The Surakarta District Court decisions Number 89/Pid.B/LH/2019/PN Skt dated 30 July 2019 are as follows.

(1) Declared that the Defendant KARMAN the son of LIONG TAT had not been legally and convincingly proven guilty of committing a crime as stated in the First, Second, or Third indictment of the Public Prosecutor.

(2) Acquitted the Defendant KARMAN the son of LIONG TAT therefore from the charges of the Public Prosecutor.

(3) Restored the rights of the Defendant in his ability, position, dignity, and worth.

(4) Stated the evidences from evidence number 1 to number 63 and were returned to PT Mahkota Citra Lestari.

(5) Charged court fees to the State.

Then the Prosecutor filed an Cassation with the Deed of Application for Cassation Number 25/Akta.Pid/2019/PN Skt made by the Registrar at the

Surakarta District Court, which explained that on August 9 2019, the Public Prosecutor at the Surakarta District Attorney submitted a cassation request against the decision of the District Court the Surakarta.

Considering whereas with respect to the reasons for the cassation submitted by the Cassation Petitioner/Public Prosecutor, the Supreme Court is of the opinion as follows:

(1) The reason for the Public Prosecutor's cassation could be justified because the judex facti decision stated that the Defendant was not legally and convincingly proven guilty of committing a criminal act as the Public Prosecutor had charged him with and frees the Defendant from all charges, was inappropriate and did not apply the legal regulations as it should. The judex facti decision was made not based on legal facts that were juridically relevant and correct, and were not in accordance with the legal facts revealed before the court.

(2) Based on the juridically relevant legal facts revealed at the trial, the Defendant as Director of PT Mahkota Citra Lestari, among others, was engaged in the retail trade of chemicals and the processing of fabric softener products with the trademark MCL-SOFTENER-SE, after mixing the raw materials with drilled well water using a mixer then packed in 200 liter drums and ready for sale.

(3) After further investigation, it turned out that the Defendant in processing the fabric softener product did not have a Waste Treatment Plant (IPAL), did not have a Environmental Management Efforts and Environmental Monitoring Efforts (UKL-UPL) document thus the red liquid waste produced by the factory is channeled into a sewer, and when the sewer is full, it is channeled back into the sewer in front of the PT Mahkota Citra Lestari factory by using a pump so that the liquid waste from processing the fabric softener product pollutes the surrounding environment and enters and seeps into the installation pipes of the Surakarta City PDAM, causing people to complain that the PAM water that comes out of their faucets is contaminated with red liquid.

(4) From further investigation by the PDAM, it turned out that the area had

collapsed due to a Fuso truck tire in front of the Defendant's factory caused the PDAM installation pipe to burst under the Fuso truck tire and cause red liquid waste to enter and seep into the drinking water pipe leading to the resident's household.

(5) Based on the considerations and legal facts that are juridically relevant, it turned out that the material actions of the Defendant in such a way had fulfilled all the elements of the criminal act of Article 109 in conjunction with Article 36 Paragraph (1) of Law Number 32 of 2009 on the Third Alternative indictment.

Based on Article 109 juncto Article 36 Paragraph (1) Law Number 32 Year 2009 concerning Protection and Management of the Environment, Law Number 8 Year 1981 concerning Criminal Procedure Law, Law Number 48 Year 2009 concerning Judicial Power, and Law Number 14 Year 1985 concerning the Supreme Court as amended by Law Number 5 of 2004 and the Second Amendment to Law Number 3 of 2009, and other relevant laws and regulations, the Supreme Court **Adjudicated**:

(1) Granted the cassation request from the Cassation Petitioner/**General Prosecutor at the Surakarta District Attorney** and

(2) Cancelled the Decision of the Surakarta District Court Number 89/Pid.B/LH/2019/PN Skt dated July 30, 2019;

Supreme Court **Adjucated Itself**:

(1) Declared that the Defendant KARMAN bin LIONG TAT had been legally and convincingly proven guilty of committing the crime of "Conducting a business and/or activity that requires an Environmental Impact Analysis (AMDAL) and/or Environmental Management Efforts and Environmental Monitoring Efforts (UKL-UPL) permit".

(2) Therefore, the Defendant is sentenced to imprisonment for one year and a fine of IDR1,000,000,000.00 (one billion Indonesian rupiah) with the provision that if the fine is not paid, it is replaced with imprisonment for one month.

(3) Determined the period of detention that had been served by the Defendant

to be deducted entirely from the sentence imposed.

(4) Determined the evidences from:
   - Evidences number 1 to number 24 were returned to PT Mahkota Citra Lestari and
   - Evidences number 25 to number 63 were confiscated for destruction

(5) Charged the Defendant to pay court fees at the level of cassation in the amount of IDR2,500.00 (two thousand five hundred Indonesian rupiah).

2. Legal Considerations of Supreme Court Judges in Making Decisions

With respect to the reasons for the cassation submitted by the Cassation Petitioner/Public Prosecutor, the Supreme Court is of the opinion as follows.

(1) The reason for the Public Prosecutor's cassation could be justified because the judex facti decision stated that the Defendant was not legally and convincingly proven guilty of committing a criminal act as the Public Prosecutor had charged him with and frees the Defendant from all charges, was inappropriate and did not apply the legal regulations as it should. The judex facti decision was made not based on legal facts that were juridically relevant and correct, and were not in accordance with the legal facts revealed before the court.

(2) Based on the juridically relevant legal facts revealed at the trial, the Defendant as Director of PT Mahkota Citra Lestari, among others, was engaged in the retail trade of chemicals and the processing of fabric softener products with the trademark MCL-SOFTENER-SE, after mixing the raw materials with drilled well water using a mixer then packed in 200 liter drums and ready for sale.

(3) After further investigation, it turned out that the Defendant in processing the fabric softener product did not have a Waste Treatment Plant (IPAL), did not have a Environmental Management Efforts and Environmental Monitoring Efforts (UKL-UPL) document thus the red liquid waste produced by the factory is channeled into a sewer, and when the sewer is full, it is channeled back into the sewer in front of the PT Mahkota Citra Lestari factory by using a pump so that the liquid waste from processing the fabric softener

product pollutes the surrounding environment and enters and seeps into the installation pipes of the Surakarta City PDAM, causing people to complain that the PAM water that comes out of their faucets is contaminated with red liquid.

(4) From further investigation by the PDAM, it turned out that the area had collapsed due to a Fuso truck tire in front of the Defendant's factory caused the PDAM installation pipe to burst under the Fuso truck tire and cause red liquid waste to enter and seep into the drinking water pipe leading to the resident's household.

(5) Based on the considerations and legal facts that are juridically relevant, it turned out that the material actions of the Defendant in such a way had fulfilled all the elements of the criminal act of Article 109 in conjunction with Article 36 Paragraph (1) of Law Number 32 of 2009 on the Third Alternative indictment.

Based on Article 109 juncto Article 36 Paragraph (1) Law Number 32 Year 2009 concerning Protection and Management of the Environment, Law Number 8 Year 1981 concerning Criminal Procedure Law, Law Number 48 Year 2009 concerning Judicial Power, and Law Number 14 Year 1985 concerning the Supreme Court as amended by Law Number 5 of 2004 and the Second Amendment to Law Number 3 of 2009, and other relevant laws and regulations, the Supreme Court **Adjudicated**:

(1) Granted the cassation request from the Cassation Petitioner/**General Prosecutor at the Surakarta District Attorney** and

(2) Cancelled the Decision of the Surakarta District Court Number 89/Pid.B/LH/2019/PN Skt dated July 30, 2019;

Supreme Court **Adjucated Itself**:

(1) Declared that the Defendant KARMAN bin LIONG TAT had been legally and convincingly proven guilty of committing the crime of “Conducting a business and/or activity that requires an Environmental Impact Analysis (AMDAL) and/or Environmental Management Efforts and Environmental Monitoring Efforts (UKL-UPL) permit”.

(2) Therefore, the Defendant is sentenced to imprisonment for one year and a

fine of IDR1,000,000,000.00 (one billion Indonesian rupiah) with the provision that if the fine is not paid, it is replaced with imprisonment for one month.

(3) Determined the period of detention that had been served by the Defendant to be deducted entirely from the sentence imposed.

(4) Determined the evidences from:

   i. Evidences number 1 to number 24 were returned to PT Mahkota Citra Lestari and

   ii. Evidences number 25 to number 63 were confiscated for destruction

(5) Charged the Defendant to pay court fees at the level of cassation in the amount of IDR2,500.00 (two thousand five hundred Indonesian rupiah).

Supreme Court Judge Decision No. 4032 K/Pid.Sus-LH/2019 is in accordance with the applicable law. The decision has also fulfilled the basic legal principle, namely protecting human rights, in this case in particular the human rights of the people affected by the waste from PT. Mahkota Citra Lestari who has violated the law by ignoring the obligation to have an Environmental Impact Analysis (AMDAL) and/or Environmental Management Efforts and Environmental Monitoring Efforts (UKL-UPL) without having an environmental permit in running its business. PT Mahkota Citra Lestari disposed red liquid waste from fabric softener chemicals, not only polluting the environment, but also seeping into PDAM installation pipes that are consumed by the public. People have been consuming water that has been contaminated with these chemical wastes. However, if the sentence is too short, and the business license is not revoked, it will hurt the sense of justice and human rights themselves. And the decision should be in conjunction with a higher law, namely the Articles 27 to 34 of the 1945 Constitution.

The court's decision is expected to have a deterrent effect for companies that produce waste and endangers environmental damage or is harmful to humans or the surrounding community. This court decision can be a deterrent to the recurrence of the same violation in the future. Although the length of the sentence imposed, it seems that it has little impact on the sense of deterrence.

However, law enforcement from upstream to downstream related to the environment must be carried out, because if not, this will happen in other places. Imagine how long this company has been around and operating according to what is said by the Head of Complaints and Dispute Resolution for the Solo Environment Service (DLH), Dyah Winarti, this company only possesses a trade permit (SIUP) and a nuisance permit, and even the agency did not know about the company presence on Jalan Adi Soemarmo, Solo.[11] Thus, the person responsible for supervising the operation of the business should be investigated because the company is already operating without having UKL-UPL and there were protests from the affected neighborhood.

According to environmental scientists from Donghua University, Yingying Gao, dyes are used in various industries, such as textiles, food, paper making, and plastics industries to produce large amounts of dye wastewater which not only changes the color of the water, but also increases eutrophication, depletes oxygen, and ultimately harms aquatic organisms. Dye wastewater has become one of the main sources of environmental pollution.[12]

This opinion was confirmed by other scientists from MARA University of Technology, Khairun 'Aqilah Hanis et al, who stated that the increasing demand and use of chemical dyes by industry has actually had a negative effect on human health and ecology. Textile dyes are a major source of environmental pollution, aesthetic pollution, eutrophication, and aquatic ecosystem problems.[13]

From the aforementioned scientists' point of view, it is clear that PT Mahkota Citra Lestari has not only ignored the Human Rights of the affected communities, but also the Human Rights of Nature and other living beings. As in the theory of environmental ethics, there are several views which assert that nature and all creatures have human rights that must be respected.

[11] Bayu Ardi Isnanto, "The Water Pollutant Paint Factory of PDAM Solo Merah Putih has incomplete permits," Detik News, 2018.

[12] Yingying Gao, Bo Yang, and Qing Wang, "Biodegradation and Decolorization of Dye Wastewater: A Review," IOP Conference Series: Earth and Environmental Science 178, no. 1 (2018), https://doi.org/10.1088/1755-1315/178/1/012013.

[13] K. Khairun Aqilah Hanis et al., "Bacterial Degradation of Azo Dye Congo Red by Bacillus Sp.," Journal of Physics: Conference Series 1529, no. 2 (2020), https://doi.org/10.1088/1742-6596/1529/2/022048.

For example, Biocentrism views that every life and living thing has value and is valuable in itself. Ecocentrism is the view that all living (biotic) and non-living (abiotic) things are related to each other. Zoocentrism holds that animals have the right to enjoy pleasure because they can feel pleasure and must be prevented from suffering. And Natural Rights which view that living things need ecosystems or habitats to live and develop. Living things such as animals and plants also have rights although they cannot act based on obligations. They exist and are created for preserving this nature. Therefore, they also have the right to live.

D. Closing

1. Conclusion

This decision is in accordance with the applicable law. The decision has also fulfilled the basic principles of law, namely protecting human rights and other living creatures, as well as natural rights. The court's decision is expected to have a deterrent effect for companies that produce waste that endangers environmental damage or is harmful to humans or the surrounding community. This court decision can be a deterrent to the recurrence of the same violation in the future.

2. Suggestion

However, law enforcement from upstream to downstream related to the environment must be carried out because if not, this will happen again in other places. Even though PT Mahkota Citra Lestari has been found guilty and must undergo civil sentences, the impact of the disposal of chemical waste for clothing dyes are still experienced by humans, other living things, and the environment. The principle of prevention in environmental law enforcement needs to be carried out starting from the issuance of business permits and supervision of companies that may have an impact on environmental damage. Thus, there is no need for any party to become a victim of a violation.

References / Bibliography :

Ali, Zainuddin. *Metode Penelitian Hukum*. Jakarta: Penerbit Sinar Grafika, 2013.

Faure, Michael, and Nicole Niessen. “Introduction.” In *Environmental Law in Development: Lessons from the Indonesian Experience*, edited by Michael Faure and Nicole Niessen,

1–8. Northampton, MA: Edward Elgar Publishing Limited, 2006.

Gao, Yingying, Bo Yang, and Qing Wang. “Biodegradation and Decolorization of Dye Wastewater: A Review.” *IOP Conference Series: Earth and Environmental Science* 178, no. 1 (2018). https://doi.org/10.1088/1755-1315/178/1/012013.

Hanis, K. Khairun Aqilah, A. R. Muhammad Nasri, W. K. Wan Farahiyah, and M. Y. Mohd Rabani. “Bacterial Degradation of Azo Dye Congo Red by Bacillus Sp.” *Journal of Physics: Conference Series* 1529, no. 2 (2020). https://doi.org/10.1088/1742-6596/1529/2/022048.

Heringa, Aalt Willem. “Human Rights and General Principles and Their Importance as a Legislative Technique. Do They Matter in Legislation? An Analysis with Specific Reference to Environmental Protection.” In *Environmental Law in Development: Lessons from the Indonesian Experience*, edited by Michael Faure and Nicole Niessen, 9–23. Northampton, MA: Edward Elgar Publishing Limited, 2006.

Isnanto, Bayu Ardi. “Pabrik Cat Pencemar Air PDAM Solo Merah Darah Izinnya Tak Lengkap.” *Detik News*, 2018. https://news.detik.com/berita-jawa-tengah/d-4261228/pabrik-cat-pencemar-air-pdam-solo-merah-darah-izinnya-tak-lengkap.

Wibisana, Andri G. “Three Principles of Environmental Law: The Polluter-Pays Principle, the Principle of Prevention, and the Precautionary Principle.” In *Environmental Law in Development: Lessons from the Indonesian Experience*, edited by Michael Faure and Nicole Niessen, 24–76. Northampton, MA: Edward Elgar Publishing Limited, 2006.